

108TH CONGRESS  
2D SESSION

# S. 1107

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## AN ACT

To enhance the Recreational Fee Demonstration Program  
for the National Park Service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Recreational Fee Au-  
5       thority Act of 2004”.

1 **SEC. 2. RECREATION FEE AUTHORITY.**

2 (a) IN GENERAL.—Beginning on January 1, 2006,  
 3 the Secretary of the Interior (“Secretary”) may establish,  
 4 modify, charge, and collect fees for admission to a unit  
 5 of the National Park System and the use of National Park  
 6 Service (“Service”) administered areas, lands, sites, facili-  
 7 ties, and services (including reservations) by individuals  
 8 and/or groups. Fees shall be based on an analysis by the  
 9 Secretary of—

10 (1) the benefits and services provided to the vis-  
 11 itor;

12 (2) the cumulative effect of fees;

13 (3) the comparable fees charged elsewhere and  
 14 by other public agencies and by nearby private sec-  
 15 tor operators;

16 (4) the direct and indirect cost and benefit to  
 17 the government;

18 (5) public policy or management objectives  
 19 served;

20 (6) economic and administrative feasibility of  
 21 fee collection; and

22 (7) other factors or criteria determined by the  
 23 Secretary.

24 (b) NUMBER OF FEES.—The Secretary shall estab-  
 25 lish the minimum number of fees and shall avoid the col-

1 lection of multiple or layered fees for a wide variety of  
2 uses, activities or programs.

3 (c) ANALYSIS.—The results of the analysis together  
4 with the Secretary’s determination of appropriate fee lev-  
5 els shall be transmitted to the Congress at least three  
6 months prior to publication of such fees in the Federal  
7 Register. New fees and any increases or decreases in es-  
8 tablished fees shall be published in the Federal Register  
9 and no new fee or change in the amount of fees shall take  
10 place until at least 12 months after the date the notice  
11 is published in the Federal Register.

12 (d) ADDITIONAL AUTHORITIES.—Beginning on Jan-  
13 uary 1, 2006, the Secretary may enter into agreements,  
14 including contracts to provide reasonable commissions or  
15 reimbursements with any public or private entity for vis-  
16 itor reservation services, fee collection and/or processing  
17 services.

18 (e) ADMINISTRATION.—The Secretary may provide  
19 discounted or free admission days or use, may modify the  
20 National Park Passport, established pursuant to Public  
21 Law 105–391, and shall provide information to the public  
22 about the various fee programs and the costs and benefits  
23 of each program.

24 (f) STATE AGENCY ADMISSION AND SPECIAL USE  
25 PASSES.—Effective January 1, 2006, and notwith-

1 standing the Federal Grants Cooperative Agreements Act,  
2 the Secretary may enter into revenue sharing agreements  
3 with State agencies to accept their annual passes and con-  
4 vey the same privileges, terms and conditions as offered  
5 under the auspices of the National Park Passport, to State  
6 agency annual passes and shall only be accepted for all  
7 of the units of the National Park System within the  
8 boundaries of the State in which the specific revenue shar-  
9 ing agreement is entered into except where the Secretary  
10 has established a fee that includes a unit or units located  
11 in more than one State.

12 **SEC. 3. DISTRIBUTION OF RECEIPTS.**

13 Without further appropriation, all receipts collected  
14 pursuant to the Act or from sales of the National Park  
15 Passport shall be retained by the Secretary and may be  
16 expended as follows:

17 (1) 80 percent of amounts collected at a specific  
18 area, site, or project as determined by the Secretary,  
19 shall remain available for use at the specific area,  
20 site or project, except for those units of the National  
21 Park System that participate in an active revenue  
22 sharing agreement with a State under Section 2(f)  
23 of this Act, not less than 90 percent of amounts col-  
24 lected at a specific area, site, or project shall remain  
25 available for use.

1           (2) The balance of the amounts collected shall  
2       remain available for use by the Service on a Service-  
3       wide basis as determined by the Secretary.

4           (3) Monies generated as a result of revenue  
5       sharing agreements established pursuant to Section  
6       2(f) may provide for a fee-sharing arrangement. The  
7       Service shares of fees shall be distributed equally to  
8       all units of the National Park System in the specific  
9       States that are parties to the revenue sharing agree-  
10      ment.

11          (4) Not less than 50 percent of the amounts  
12      collected from the sale of the National Park Pass-  
13      port shall remain available for use at the specific  
14      area, site, or project at which the fees were collected  
15      and the balance of the receipts shall be distributed  
16      in accordance with paragraph 2 of this Section.

17 **SEC. 4. EXPENDITURES.**

18          (a) USE OF FEES AT SPECIFIC AREA, SITE, OR  
19      PROJECT.—Amounts available for expenditure at a spe-  
20      cific area, site or project shall be accounted for separately  
21      and may be used for—

22           (1) repair, maintenance, facility enhancement,  
23      media services and infrastructure including projects  
24      and expenses relating to visitor enjoyment, visitor

1 access, environmental compliance, and health and  
2 safety;

3 (2) interpretation, visitor information, visitor  
4 service, visitor needs assessments, monitoring, and  
5 signs;

6 (3) habitat enhancement, resource assessment,  
7 preservation, protection, and restoration related to  
8 recreation use; and

9 (4) law enforcement relating to public use and  
10 recreation.

11 (b) The Secretary may use not more than fifteen per-  
12 cent of total revenues to administer the recreation fee pro-  
13 gram including direct operating or capital costs, cost of  
14 fee collection, notification of fee requirements, direct infra-  
15 structure, fee program management costs, bonding of vol-  
16 unteers, start-up costs, and analysis and reporting on pro-  
17 gram accomplishments and effects.

18 **SEC. 5. REPORTS.**

19 On January 1, 2009, and every three years thereafter  
20 the Secretary shall submit to the Congress a report detail-  
21 ing the status of the Recreation Fee Program conducted  
22 in units of the National Park System including an evalua-  
23 tion of the Recreation Fee Program conducted at each  
24 unit of the National Park System; a description of projects  
25 that were funded, work accomplished, and future projects

- 1 and programs for funding with fees, and any recommenda-
- 2 tions for changes in the overall fee system.

Passed the Senate May 19, 2004.

Attest:

*Secretary.*

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